

FEB 13 2015

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO ADOPT ADMINISTRATIVE
RULES REQUIRING A RESTAURANT WITH TWENTY OR MORE LOCATIONS
IN THE STATE TO POST CALORIE AND CARBOHYDRATE INFORMATION
FOR STANDARD MENU ITEMS ON THE MENU OR MENU BOARD AND TO
PROVIDE ALL OTHER NUTRITION INFORMATION TO CUSTOMERS IN THE
RESTAURANT, UPON REQUEST.

1 WHEREAS, good nutrition plays an essential role in
2 maintaining the health and wellness of individuals, families,
3 and communities; and
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5 WHEREAS, the federal Nutrition Labeling and Education Act
6 of 1990 requires nutrition labeling on packaged food, and
7 nutrition labeling of cans and bags has been a long-accepted
8 practice; and
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10 WHEREAS, despite having access to this nutrition
11 information, the number of Americans who are obese continues to
12 rise; and
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14 WHEREAS, in November 2013, the adult obesity rate in the
15 United States rose to approximately 27 percent; and
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17 WHEREAS, obesity-related conditions are some of the leading
18 causes of preventable death, including heart disease, type two
19 diabetes, stroke, and cancer; and
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21 WHEREAS, if obesity continues to rise there will be an
22 increased burden on the health care system as health
23 deteriorates; and
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25 WHEREAS, parallel to the rise in obesity, the number of
26 people consuming their calories in restaurants has continued to
27 rise in recent years; and
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1 WHEREAS, in many restaurants there is a lack of nutrition
2 information available to customers, often making it difficult
3 for customers to make healthy food selections; and
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5 WHEREAS, a person who eats at a restaurant consumes
6 approximately two hundred extra calories per day on average than
7 a person who eats at home; and
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9 WHEREAS, given the increase in people choosing to dine at
10 restaurants, the inclusion of nutrition information on menus may
11 contribute to obesity prevention; and
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13 WHEREAS, providing nutrition information at the point of
14 purchase helps consumers take personal responsibility for their
15 food choices and health; and
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17 WHEREAS, menu labeling provides restaurants with an
18 incentive to add a wider variety of healthy choices for their
19 customers; and
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21 WHEREAS, in an effort to combat the national obesity
22 epidemic in the United States, several states, including
23 California, Indiana, and Massachusetts, have considered or have
24 passed laws requiring restaurants to list nutrition information
25 for menu items, resulting in different menu labeling
26 requirements across the country; and
27

28 WHEREAS, under section 4205 of the federal Patient
29 Protection and Affordable Care Act of 2010, restaurants and
30 similar retail food establishments with twenty or more locations
31 are required to list calorie information for standard menu items
32 on menus and menu boards and to make other nutrition information
33 available in writing, upon request; and
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35 WHEREAS, section 4205 of the federal Patient Protection and
36 Affordable Care Act of 2010 is supported by the National
37 Restaurant Association and preempts conflicting state and local
38 laws; and
39

40 WHEREAS, the federal Food and Drug Administration is
41 responsible for implementing section 4205 of the Patient
42 Protection and Affordable Care Act of 2010 and has issued a



1 Federal Register notice specifying the terms and conditions for
 2 implementation; and
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4 WHEREAS, the implementation of section 4205 of the Patient
 5 Protection and Affordable Care of Act of 2010 is pending the
 6 federal Food and Drug Administration's issuance of final rules;
 7 however, the Food and Drug Administration has already missed its
 8 self-imposed deadline to do so; and
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10 WHEREAS, until the Food and Drug Administration issues its
 11 final rules, this body finds that the Department of Health
 12 should take the initiative to adopt its own administrative rules
 13 to implement mandatory nutrition labeling for chain restaurants
 14 in Hawaii; now, therefore,
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16 BE IT RESOLVED by the Senate of the Twenty-eighth
 17 Legislature of the State of Hawaii, Regular Session of 2015, the
 18 House of Representatives concurring, that the Department of
 19 Health is requested to adopt administrative rules requiring a
 20 restaurant with at least twenty locations in the State to post
 21 calorie and carbohydrate information for standard menu items on
 22 a menu or menu board and to provide all other nutrition
 23 information to customers in the restaurant, upon request; and
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25 BE IT FURTHER RESOLVED that certified copies of this
 26 Concurrent Resolution be transmitted to the Director of Health,
 27 Chairperson of the Hawaii Restaurant Association, and
 28 Chairperson of the Hawaii Food Industry Association.
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 31

OFFERED BY:

Mike Galt *Michelle Lideni*
Ross E. De *Donny H. Bab*
Haer Galt *Kamui Hul*
Will Eger

